

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ERICA WILLIS STEELE,)	
)	
Plaintiff,)	
)	Cause No. 07C-6440
and)	
)	
APL LOGISTICS,)	
)	
Defendant.)	

AGREED MOTION TO RESCHEDULE TRIAL DATE AND
AMEND SCHEDULING ORDER

Plaintiff Erica Willis Steele and Defendant APL Logistics Warehouse Management Services, Inc. (incorrectly named in this matter as APL Logistics)(“Defendant”), by and through their respective attorneys, hereby move this Court to reschedule the Trial setting in this matter, and Amend the Scheduling Order for the purpose of modifying the discovery and motion schedule.

In support their Agreed Motion, the Parties state:

1. This is the first time the Parties have requested that the Scheduling Order be amended.
2. Pursuant to the Court’s Order of January 28, 2008, this matter has been set on the Court’s May trial calendar.
3. The Court’s Order also set a discovery and dispositive motion deadline of April 18, 2008.

4. The Parties are working diligently to complete discovery, which involves non-party witnesses, including two key witnesses, Plaintiff's former General Manager and the alleged harasser, who will need to be subpoenaed for deposition.

5. Through the course of discovery, the Parties have identified numerous additional witnesses, both current and former employees of Defendant, Mary Werner, Carol Jacklin, Miceala Gonzales, Laura Khan, Michelle Bowie, Sharon Schaffer, Craig Owens, Stacy Harrison, Demetrius Lewis, Jerry Vance, Celeste Camble, and Kevin Martin, as well as other potential witnesses, whom they will need to depose on various issues including, but not limited to, the working environment, interactions between Plaintiff and her alleged harasser, and the Defendant's investigation of Plaintiff's claims.

6. The Parties will likely be unable to complete all discovery and depositions by the discovery deadline of April 18, 2008 and the additional time needed to complete all discovery and depositions will make it unlikely for the Parties to be able to be prepared for a Trial in May.

7. The Parties are discussing settlement and the possibility of mediation. However, without procuring the deposition testimony of the non-party witnesses, settlement discussions are hampered. Further, the discovery sought may obviate the need for a Trial.

8. It is also possible that the scope of the case will be modified and/or reduced following the completion of discovery, and Defendant intends to file a dispositive motion which it believes will dispose of some , and possibly all of Plaintiff's claims.

9. Counsel for Plaintiff has a pre-scheduled family vacation in May and counsel for Defendant has a pre-scheduled family vacation in July.

10. This Motion is not being brought for purposes of undue delay and will not result in prejudice to any party.

11. Due to the foregoing, the Parties respectfully request that the Trial be placed on this Court's August Docket (if available) and that the deadlines in the Scheduling Order be extended by sixty (60) days.

Respectfully submitted,

SPESIA, AYERS & ARDAUGH

By: /s/ Mark A. Lichtenwalter
Attorney for Plaintiff

Mark A. Lichtenwalter #6280473
Tricia M. Pellegrini #6293540
SPESIA, AYERS & ARDAUGH
1415 Black Road
Joliet, IL 60435
(815) 726-4311

BOBROFF, HESSE, LINDMARK
& MARTONE, P.C.

By: /s/ Andrew J. Martone

Andrew J. Martone, #06203524
1650 Des Peres Road, Suite 200
St. Louis, MO 63131
Tel: (314) 862-0300
Fax: (314) 862-7010
E-mail: anydmartone@bobroffhesse.com

and

/s/ John K. Kallman

John K. Kallman, #1387006
221 North LaSalle Street, Suite 1200
Chicago, IL 60601
Tel: (312) 578-1515

Attorneys for Defendant
APL Logistics Warehouse Management
Services, Inc.